



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Western Graphtec, Inc.

File: B-230958

Date: April 26, 1988

---

### DIGEST

Under a brand name or equal invitation for bids, a bid that proposed allegedly equal equipment but did not describe modifications necessary to provide the listed salient characteristics lacked a basis upon which agency could determine the equality of the offered product, and therefore was nonresponsive.

---

### DECISION

Western Graphtec, Inc., protests the rejection of its bid as nonresponsive by the National Aeronautics and Space Administration (NASA) under invitation for bids (IFB) No. IFB2-32459(BJH). We dismiss the protest without requiring NASA to submit a report since it is apparent from Western's submission that the protest has no legal merit.

NASA issued this IFB to acquire an Astro-Med, Inc., Model MT 9500 or equal, strip chart recorder. The IFB listed 22 salient characteristics of the MT 9500 which NASA considered important and advised that if a bidder proposed to modify a product to make it conform to the requirements in the IFB, the firm should include with the bid a clear description of the proposed modifications and clearly mark any descriptive literature to show the proposed modifications.

Western offered to provide its Model WR3600, Mark 10 Arraycorder, and provided a brochure describing this model. Western responded to each of the salient characteristics in a 3-page "specification review" accompanying the bid. Where Western's equipment satisfied a particular salient characteristic, Western provided a short narrative demonstrating compliance with the requirement. Where the equipment required modification to provide a salient characteristic, however, Western merely described the present capability and

042012/135688

stated that the equipment would be modified to provide the required characteristic, without describing the modification.

NASA rejected Western's bid as nonresponsive because it did not show that Western was in full compliance with the salient characteristics listed in the IFB. Western contests NASA's action.


To be responsive to a brand name or equal IFB, a bid offering an allegedly equal product must contain sufficient information to permit the contracting agency to assess whether the offered alternative has the salient characteristics specified in the IFB. Rocky Mountain Trading Co., B-221060, Jan. 24, 1986, 86-1 CPD ¶ 88. As indicated in NASA's IFB, descriptive literature is required to establish, for the purposes of evaluation and award, details of the offered product pertaining to significant elements such as design, materials, components, performance characteristics, and methods of manufacture, assembly, construction or operation. A bidder's belief that its product is equal to the brand name, or a bidder's promise to furnish a product conforming to the salient characteristics, does not satisfy this requirement, since it is the contracting agency's role, not the bidder's, to evaluate the equality of an offered item. Monitronics, B-228219, Nov. 30, 1987, 87-2 CPD ¶ 527. To the extent that a bidder fails to submit sufficient descriptive material with its bid for the agency to evaluate the equivalence of the offered product, the bid is nonresponsive. Vista Scientific Corp., B-210416, Apr. 5, 1983, 83-1 CPD ¶ 365.

Western's bid did not include sufficient descriptive material on the modifications it proposed to its standard equipment to provide a basis upon which NASA could determine equivalency to the name brand recorder. As an example, the first salient characteristic required "8 analog waveform inputs, 8 to 32 8-bit direct digital inputs." Western's response was that the "proposed recorder is equipped with 8 analog inputs and will be modified to add up to 32 8-bit direct digital inputs," with no discussion of how this would be accomplished or what changes to the circuitry might be required to accommodate the modification. In another instance, the IFB required "8 interchannel annotation buffers, allowing up to 100 character test each, enterable by front key pad or by host terminal via RS 232 interface." Western's response was that its offered equipment allowed 40 columns by 80 rows of text to be printed across the page and that the "proposed recorder will provide interchannel annotation for up to 8 channels with text entered either via the front panel or a host computer via RS 232 interface." Western did not identify whether this meant 8 buffers (one

per channel) or one larger buffer shared by 8 channels, or whether the capability would be provided by allocating existing memory or by adding new memory. This response thus did not provide a basis upon which NASA could determine that Western's proposed equipment offered the required salient characteristic.

In sum, the IFB required that offers of equal equipment be accompanied by sufficiently detailed descriptive literature to permit NASA to determine that the offered product complied with all of the salient characteristics listed in the IFB. Western's response, where its equipment needed modification to provide required salient characteristics, amounted to little more than a restatement of the requirement with an offer to comply, with no information regarding design, materials, components, performance characteristics or method of manufacture, assembly or operation. Because Western's bid lacked sufficient information to establish that its proposed recorder provided all of the identified salient characteristics, the bid was nonresponsive and could not be accepted. Monitronics, B-228219, supra.

The protest is dismissed.



Robert M. Strong  
Deputy Associate  
General Counsel